

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

TIMOTHY C. MCDONALD,

Plaintiff,

v.

WARDEN CONSTANCE REESE, et al.,

Defendants.

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Case No. 1:09-cv-1797-RBP-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 7, 2010, recommending that this action filed pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the Court is of the opinion that the magistrate judge's Report is due to be and is hereby ADOPTED and the Recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DATED this 9th day of August, 2010.



**ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE**